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PATENT

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Katie Hales
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/029,049

Attorney Docket: DP-305393

Filing Date: 12/20/2001

Examiner: Cross, Latoya I.

Applicant: David K. Chen et al.

Group Art Unit: 1743

Title: A PLANAR SENSOR AND A METHOD FOR MEASURING THE TEMPERATURE OF SAME

MS Fee/Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PROVISIONAL ELECTION

Sir:

This is in response to the Office Action mailed November 20, 2006, imposing a Restriction Requirement between:

Group I, claims 29-33, directed to a planar oxygen sensor; and

Group II, claims 34-37, directed to a method for measuring a temperature of a planar oxygen sensor.

In response to the Restriction Requirement, Applicant provisionally elects to prosecute Group I, claims 29-33. Nevertheless, Applicants respectfully traverse the requirement.

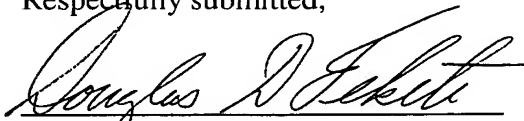
Claim 29, representative of Group I, is directed to a planar oxygen sensor that includes a

ground plane electrode adapted for temperature measurement. Claim 34 of Group II calls for connecting a temperature measuring device to the leads of a ground plane electrode adapted for temperature measurement. Further, the features of the ground plane electrodes recited in the claims are virtually identical. In view of the common features, it cannot be fairly concluded that they are separate and distinct inventions, so as to give rise to a restriction requirement. Moreover, prior art showing a sensor with a ground plane electrode, or the method that uses the ground plane to measure temperature, would be material to, and should properly be considered in examining the claims of both Groups. Efficiency, both on the part of Applicants, and also on the part of the Patent Office, mandates that, where the claims have common distinctive features such as here, all claims should be examined together. The Restriction Requirement unduly burdens Applicants by requiring them to file and prosecute multiple applications, and pay fees and maintain multiple patents, to obtain the patent protection to which they are entitled.

Therefore, it is respectfully requested that the Restriction Requirement be withdrawn, and that all claims of Group I and Group II be considered in the present application.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,



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